

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Twin City Fire Insurance Company,

10 Plaintiff,

11 v.

12 Unknown Party, *et al.*,

13 Defendants.
14

No. CV-23-02166-PHX-JJT

ORDER

15 At issue are two Motions: *pro se* Defendant Victor Elias Zamora, Jr.’s “Motion to
16 Respond Plaintiff’s Declaratory Judgment Complaint” (Doc. 26), and Zamora, Jr.’s Motion
17 for Extension of Time (Doc. 27).

18 According to the Complaint (Doc. 1), Defendant Zamora, Jr. was the principal of
19 Defendant Legacy Academy, a private school in Mesa, Arizona; Defendant Victor Elias
20 Zamora, Sr. was the Chief Executive Officer of the school; and Defendant Carmen Zamora
21 is his wife. In a state court criminal proceeding, Zamora, Jr. was charged with sexual
22 conduct with a minor in conjunction with the sexual abuse of four minor students at Legacy
23 Academy—Students A, B, C, and D.¹ Zamora, Jr. pled guilty and is currently incarcerated
24 for the crimes.

25 In a separate state court civil action, the four students seek damages against Zamora,
26 Jr., Zamora, Sr. and his wife Carmen, and Legacy Academy. Plaintiff Twin City Fire
27 Insurance Co. issued a Business Liability Insurance Policy to Legacy Academy that was

28 ¹ The identities of the minor children are protected both in the underlying state court
actions and this action.

1 effective from 2017 to 2021. In the present lawsuit, Plaintiff seeks a declaration that the
2 Policy does not provide coverage—neither a duty to defend nor indemnify—to the school
3 or the Zamoras for claims related to willful sexual abuse of minors at the school. Plaintiff
4 also names the four students as Defendants in its Complaint under the theory that they also
5 may not seek compensation from Plaintiff under the Policy for damages they may be
6 awarded in the state court civil action.

7 Plaintiff filed its Complaint on October 18, 2023, and served Legacy Academy and
8 the Zamoras a week later. None of these Defendants filed an Answer or otherwise
9 responded to the Complaint. Plaintiff therefore sought entry of default against these
10 Defendants on December 15, 2023 (Docs. 19-22), which the Court entered on
11 December 19, 2023 (Doc. 23).

12 Now, Zamora, Jr. has filed a “Motion to Respond” (Doc. 26)—a form of motion not
13 directly contemplated by the Federal Rules of Civil Procedure or the Local Rules—in
14 which he states that he is incarcerated, he does not have an attorney, and he agrees with
15 Plaintiff’s “Declaratory Judgment Complaint.” Indeed, he states that he, Zamora, Sr., and
16 Carmen Zamora “didn’t file any claim to obtain any kind of benefit or relief” from Plaintiff
17 and that they have “lost their financial solvency.” Zamora, Jr. asks that they “be excluded
18 from awarding attorneys’ fees and costs to Plaintiff.”

19 In a second filing (Doc. 27), Zamora, Jr. states that he is “proceeding on his behalf
20 and behalf of Defendants [Zamora, Sr. and Carmen Zamora]” and asks for additional time
21 to respond to the Complaint because he is incarcerated and Zamora, Sr. is suffering from
22 health issues.

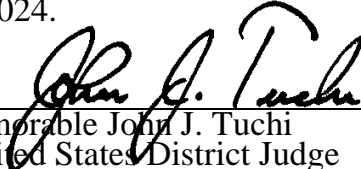
23 To begin with, a *pro se* party who is not a lawyer admitted to practice in this Court
24 cannot represent other parties. He may only represent himself. As a result, the Court has
25 no basis to alter the default entered against Zamora, Sr. and Carmen Zamora. Moreover,
26 Zamora, Jr. does not seek relief on behalf of Legacy Academy, and the default entered
27 against it also remains in effect.
28

1 As for Zamora, Jr., he has demonstrated by his filings that he is able to prepare
2 motions on his own behalf, so he does not demonstrate good cause for failing to timely
3 respond to the Complaint or file a motion for extension of time. Perhaps more importantly,
4 Zamora, Jr. has represented to the Court (Doc. 26) that he does not intend to contest
5 Plaintiff's claims in this matter. Without a meritorious defense to Plaintiff's claims,
6 Zamora, Jr.'s answer to the Complaint would be futile. As a result, no good cause exists to
7 vacate the entry of default against Zamora, Jr. If Plaintiff does seek attorney's fees against
8 him, he may contest that request by filing a response to any Motion for Default Judgment
9 that Plaintiff files against him. For these reasons, the Court will deny both of Zamora, Jr.'s
10 Motions (Docs. 26, 27).

11 **IT IS THEREFORE ORDERED** denying *pro se* Defendant Victor Elias Zamora,
12 Jr.'s "Motion to Respond Plaintiff's Declaratory Judgment Complaint" (Doc. 26).

13 **IT IS FURTHER ORDERED** denying *pro se* Defendant Victor Elias Zamora, Jr.'s
14 Motion for Extension of Time (Doc. 27).

15 Dated this 14th day of February, 2024.

16 
17 Honorable John J. Tuchi
18 United States District Judge
19
20
21
22
23
24
25
26
27
28